

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Noble Party, a/k/a Theron Preston Washington,

Civil No. 16-433 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Prince Hall African Lodge 459, and
all Prince Hall Grand and Local Lodges in
America,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated March 11, 2016. (Doc. No. 6.) On March 24, 2016, Plaintiff filed a “Motion Proceed without Payment and Advise judge to Code of Conduct Canon 2 for the United States Judge.” (Doc. No. 8.) In that motion, Plaintiff appears to suggest that the Magistrate Judge improperly made a determination on Plaintiff’s case, insofar as the Magistrate Judge recommended that this matter be dismissed without prejudice for lack of standing, and that Plaintiff’s application to proceed *in forma pauperis* be denied. (Doc. No. 6 at 3-4.) Even considering this motion as a self-styled objection to the Report and Recommendation, the Court concludes that the Report and Recommendation is properly adopted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference herein. In the Report and Recommendation, Magistrate Judge Rau noted that in this action, Plaintiff

claims Defendants are fraternal lodges that have been improperly granted tax-exempt status and asks the Court to revoke that status and close the lodges nationwide. (*Id.* at 2.) Magistrate Judge Rau also rightly noted that Plaintiff has not alleged that he has been injured in any way by the allegedly unlawful tax-exempt status, but instead that Plaintiff wishes to correct what he believes to be an incorrect conferral of tax benefits on Defendants. (*Id.*) In light of this, Magistrate Judge Rau recommended that this matter be dismissed without prejudice for lack of jurisdiction because Plaintiff does not present a case or controversy. (*Id.* at 2-3.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2 (b). The Court finds no reason that would warrant a departure from the Magistrate Judge's recommendation. Based upon the Court's *de novo* review of the record and all of the files, records, and proceedings herein, the Court hereby enters the following:

ORDER

1. Magistrate Judge Steven E. Rau's March 11, 2016 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** for lack of standing.
3. Plaintiff Theron Preston Washington's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

4. Plaintiff's Motion to Proceed Without Payment (Doc. No. [8]) is **DENIED**.

Dated: May 3, 2016

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge